

72-11-101. Title.

This chapter is known as the " Passenger Ropeway Systems Act."

Amended by Chapter 195, 1999 General Session

72-11-102. Definitions.

As used in this chapter:

(1) "Aerial lift" means a ropeway on which passengers are transported in cabins or on chairs.

(2) "Aerial tramway" means a ropeway on which passengers are transported in cable supported carriers and are not in contact with the ground or snow surface and that reciprocates between terminals.

(3) "Area" means the geographic area, terrain, and ski slopes served by a passenger ropeway.

(4) "Committee" means the Passenger Ropeway Safety Committee created by Section 72-11-202.

(5) "Conveyor" means a device used to transport skiers and snowboarders standing on a flexible moving element or belt.

(6) "Detachable grip lift" means a monocable or bicable ropeway system on which carriers circulate around the system alternately attaching to and detaching from a moving haul rope.

(7) "Funicular" means a ropeway on which carriers are supported and guided by a guideway and that is propelled by means of a haul rope system and that is operated as a single or double reversible system.

(8) "Industry" means the passenger ropeway business activities of any person in the state who owns, manages, or directs the operation of a passenger ropeway.

(9) "Operator" means a person, including any political subdivision or instrumentality of the political subdivision, who owns, manages, or directs the operation of a passenger ropeway.

(10) (a) "Passenger ropeway" means a device, excluding an elevator, used to transport passengers along a level, inclined or declined path by means of a haul rope or other flexible elements that is driven by a power unit that remains essentially at a single location.

(b) Passenger ropeways include the following:

(i) an aerial tramway;

(ii) an aerial lift, including a detachable grip lift and chair lift;

(iii) a conveyor;

(iv) a funicular;

(v) a surface lift, including a J-bar, T-bar, or platter pull; and

(vi) a rope tow, including a wire rope and fiber rope tow.

(11) "Private residence passenger ropeway" means a passenger ropeway that:

(a) is installed at a private residence;

(b) is not accessible to the general public;

(c) is not used for commercial purposes; and

(d) (i) is owned by one single owner; and

(ii) the owner described in Subsection (11)(d)(i) is not:

(A) a unit or homeowner's association; or
(B) a planned unit development or a planned residential unit development organization or entity.

(12) "Rope tow" means a ropeway on which passengers remain in contact with the ground or snow surface and are pulled in one direction only by a towing device attached to a circulating wire rope.

(13) "Surface lift" means a ropeway on which passengers remain in contact with the ground or snow surface and are pulled by a towing device attached to a circulating overhead wire rope, and includes a J-bar, T-bar, or platter pull.

Amended by Chapter 212, 2010 General Session

72-11-103. Authority of Passenger Ropeway Safety Committee -- Location of system.

(1) The committee is authorized to acquire, construct, reconstruct, improve or extend, maintain and operate, either directly or through others by contract, lease, concession or otherwise, a passenger ropeway system for the transportation of persons and property between a point or points in the:

(a) Wasatch Mountain State Park; and
(b) Uintah and Wasatch National Forests in the upper parts of Big Cottonwood, Little Cottonwood and American Fork Canyons in Salt Lake, Utah and Wasatch Counties.

(2) The committee may acquire by purchase, contract, lease, permit, donation or otherwise, and to construct, maintain and operate, either directly or through others, by contract, lease, concession or otherwise, all property, rights of way, approach roads, parking and other areas, structures, facilities and services for the convenience and recreation of patrons of the transportation system and visitors to the Wasatch Mountain State Park.

(3) Any contract, lease, concession, or other arrangement may be entered into in a manner and upon the terms and conditions as the committee may consider advisable.

Amended by Chapter 195, 1999 General Session

72-11-104. Laws applicable to construction contracts and contractor's bonds.

(1) Construction contracts entered into by the committee under the authority of this chapter shall be governed solely by this chapter, except that they are subject to the approval of the Division of Facilities Construction and Management.

(2) The provisions of Title 14, Chapter 1, Public Contracts requiring contractor's bonds are expressly made applicable to any construction contract under this chapter when the amount of the contract exceeds \$1,000.

Amended by Chapter 13, 2001 General Session

72-11-105. Authority of committee to accept grants and assistance.

(1) The committee is authorized to co-operate and contract with and accept grants or other assistance from any other agency of the state of Utah and from any department, bureau, agency, instrumentality, office or officer of the United States and from the trustees or administrators of any fund established in the interest of conservation or recreation.

(2) The grants or other assistance may be used for the acquisition, construction, maintenance, development, and operation of any of the areas, facilities, activities, or services at any time under, or intended to be brought under, the jurisdiction or control of the committee, expressly including those contemplated by the provisions of this chapter.

Renumbered and Amended by Chapter 270, 1998 General Session

72-11-106. Revenue bonds authorized.

To raise funds for the acquisition, financing, construction, reconstruction, improvement, or extension of any of those purposes, projects, and facilities, the committee is authorized to issue revenue bonds in amounts bearing a rate or rates of interest not exceeding 9% per annum, with maturities, in a form and on terms and conditions as it, with the approval of the director of the Division of Finance, considers necessary or convenient.

Renumbered and Amended by Chapter 270, 1998 General Session

72-11-107. Payment of interest and principal of revenue bonds -- Agreements authorized.

The committee may provide by resolution at a duly called regular or special meeting for the payment of the interest and principal of any and all revenue bonds as may be issued from time to time, and for that purpose may enter into agreements with other parties and may execute documents in a form and substance and on terms and conditions as it, with the approval of the director of the Division of Finance, may from time to time determine.

Renumbered and Amended by Chapter 270, 1998 General Session

72-11-108. Revenue bonds not debt or obligation of state or committee.

(1) In any and all revenue bonds issued hereunder and in the resolution or resolutions authorizing them, and in the agreements or documents entered into and executed in connection therewith, neither the payment of the principal or interest of any bond nor the obligation of any resolution, agreement, or document shall constitute a debt, liability, or obligation of the state or the committee.

(2) Payments are to be paid solely from the revenues received from the operation of the proposed passenger ropeway transportation system, visitor care and accommodations, and all services in connection with the Wasatch Mountain State Park, as in the proceedings authorizing the issuance of the bonds, shall be pledged to the payment thereof.

(3) All bonds issued under this chapter by the committee shall contain a recital

on their face that neither the payment of the principal or any part thereof, nor any interest thereon, constitute a debt, liability, or obligation of the state or the committee.

Amended by Chapter 195, 1999 General Session

72-11-109. Revenues from operation to be pledged to payment of bonds and used for costs of operation and maintenance.

(1) Any resolution or trust indenture authorizing the issuance of the revenue bonds shall provide that all toll rates and charges and fees imposed for the use of all transportation, visitor care and accommodations, recreational and other facilities and all services, the revenues of which are pledged to the payment of revenue bonds authorized hereunder, shall be at all times fixed in the amounts as will yield sufficient revenues to pay principal of and interest on the bonds, to maintain the necessary reserves in connection therewith and to pay the annual cost of operation and maintenance of any of the facilities.

(2) The committee may in the resolution or trust indenture pledge to the payment of the principal of and interest on the revenue bonds all or part of the revenues arising from the operation of all transportation, visitor care and accommodations, recreational and other facilities, and all services operated by the commission in connection with the Wasatch Mountain State Park, whether or not acquired with the proceeds of the revenue bonds, after there shall have been paid from the revenues the annual costs of operation and maintenance of all the facilities, including necessary costs of insurance.

(3) The committee may also in the resolution or trust indenture reserve the right to issue bonds on a parity with the bonds authorized by the resolution or indenture under the terms and conditions as may be provided therein.

(4) After and subject to the payment of annual operating and maintenance expenses and insurance costs, the bond redemption and interest payments, including reserves therefor, shall constitute a first lien on all the rates, tolls and charges, and other revenues received from the use and operation of the project or projects for the acquisition and construction of which the revenue bonds were issued, and of any other revenue received from the operation of facilities in connection with the Wasatch Mountain State Park that may be pledged by the committee as security for the payment of the revenue bonds and interest for this project or projects.

Renumbered and Amended by Chapter 270, 1998 General Session

72-11-110. Bonds -- Negotiability -- Tax exemption except corporate franchise tax.

All bonds issued under the provisions of this chapter are negotiable instruments except when registered in the name of a registered owner and all the bonds, and the interest or income therefrom, are exempt from all taxation in the state, except for the corporate franchise tax.

Renumbered and Amended by Chapter 270, 1998 General Session

72-11-111. Sale of bonds.

The committee, with the approval of the director of the Division of Finance, may fix the terms and conditions for the sale or other disposition of any authorized issuance of bonds under this chapter and may sell any of the bonds at less than the par or face value, but no bond may be sold at a price below the par or face value of the bond which would result in a sale price yielding to the purchaser an average of more than 9% per annum, payable semiannually according to standard tables of bond values.

Renumbered and Amended by Chapter 270, 1998 General Session

72-11-112. Powers and authority of committee.

The committee, its officers, employees, and agents are authorized to carry out the necessary procedures to implement the acquisition and development of a passenger ropeway system together with the property, appliances, facilities, rights of way and easements necessary or useful in connection with it and to do anything not inconsistent with law which they consider necessary or convenient to carry out the provisions of this chapter, whether or not the authority is expressly granted in this chapter.

Amended by Chapter 195, 1999 General Session

72-11-113. Refunding of bonds authorized.

Subject to the approval of the director of the Division of Finance, the committee is authorized to refund any revenue bonds that may become due or that may be called with the consent of the holder or holders whenever refunding may be considered necessary or desirable.

Renumbered and Amended by Chapter 270, 1998 General Session

72-11-201. Passenger ropeways -- Purpose and scope.

(1) In order to safeguard the life, health, property, and welfare of citizens while using passenger ropeways, it is the policy of the state to:

(a) protect citizens and visitors from unnecessary mechanical hazards in the design, construction, and operation of passenger ropeways, but not from the hazards inherent in the sports of mountaineering, skiing, snowboarding, mountain biking, and hiking, or from the hazards of the area served by passenger ropeways, all of which hazards are assumed by the sportsman; and

(b) require periodic inspections of passenger ropeways to ensure that each passenger ropeway meets "The United States of America Standard Institute Safety Code for Aerial Passenger Tramways," or an equivalent standard established by rule under Section 72-11-210.

(2) (a) Except as provided in Subsection (2)(b), the committee, through the Department of Transportation, shall:

- (i) register all passenger ropeways in the state;
- (ii) establish reasonable standards of design, construction, and operational practices; and

- (iii) make inspections as necessary to implement this section.
- (b) The committee has no jurisdiction over the construction, modification, registration, or inspection of a private residence passenger ropeway.

Amended by Chapter 212, 2010 General Session

72-11-202. Passenger ropeways -- Creation of Passenger Ropeway Safety Committee within Department of Transportation -- Members.

(1) There is created within the Department of Transportation a Passenger Ropeway Safety Committee.

(2) The committee is comprised of six appointive members and one ex officio member who shall be appointed by the executive director of the Department of Transportation.

(3) The appointive members shall be appointed by the governor from persons representing the following interests:

- (a) two members to represent the industry;
- (b) two members to represent the public at large;
- (c) one member who is a licensed engineer in Utah; and
- (d) one member to represent the United States Forest Service.

(4) (a) Except as required by Subsection (4)(b), as terms of committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(c) No more than four members shall be of the same political party.

(5) The governor, in making the appointments, shall request and consider recommendations made to him by:

- (a) the membership of the particular interest from which the appointments are to be made; and
- (b) the Department of Transportation.

Renumbered and Amended by Chapter 195, 1999 General Session

72-11-203. Procedures -- Adjudicative proceedings.

The committee shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 382, 2008 General Session

72-11-204. Vacancies -- Expenses -- Reimbursement -- Use of facilities of Department of Transportation -- Functions, powers, duties, rights, and responsibilities.

(1) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

- (2) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (3) Reimbursement shall be made from fees collected by the committee for services rendered by it.
- (4) The Department of Transportation shall supply the committee with office accommodation, space, equipment, and secretarial assistance the executive director considers adequate for the committee.
- (5) In addition to the functions, powers, duties, rights, and responsibilities granted to it under this chapter, the committee shall assume and have all of the functions, powers, duties, rights, and responsibilities of the Board of Parks and Recreation created in Section 79-4-301 in relation to passenger ropeway systems pursuant to that chapter.

Amended by Chapter 286, 2010 General Session

72-11-205. Passenger ropeways -- Registration of ropeways.

- (1) Except as provided in Subsections (2) through (4), a passenger ropeway may not be operated in this state unless it is registered with the committee.
- (2) The initial application for registration of a passenger ropeway permits the operator to operate the passenger ropeway until final action on the application is taken by the committee.
- (3) If an operator files an application to renew registration of a passenger ropeway, then the operator may continue the operation of the passenger ropeway under the existing registration until the committee takes final action on the pending application and has:
- (a) issued a certificate to the operator; or
 - (b) given written notice to the operator that the passenger ropeway has not qualified for certification.
- (4) A private residence passenger ropeway may be operated in this state without fulfilling the registration requirements of this section.

Amended by Chapter 212, 2010 General Session

72-11-206. Annual application for passenger ropeway registration.

- (1) Every operator of a passenger ropeway, or person who plans to operate a passenger ropeway, shall, prior to operating the passenger ropeway, apply to the committee on forms provided by the committee for registration of the passenger ropeway.
- (2) Passenger ropeway registrations are valid for a one-year period as established by rule of the committee under Section 72-11-210.
- (3) The application shall contain sufficient information for the committee to determine if the passenger ropeway to be registered complies with Section 72-11-201

and the rules made by the committee under Section 72-11-210.

Renumbered and Amended by Chapter 195, 1999 General Session

72-11-207. Passenger ropeways -- Registration certificates.

(1) The committee shall issue to the applying operator registration certificates for each passenger ropeway owned, managed, or operated by the operator if:

(a) the facts stated in the application enable the committee to fulfill its duties under this chapter; and

(b) each passenger ropeway to be registered complies with the rules of the committee under Section 72-11-210.

(2) In order to verify that the conditions described in Subsection (1) have been fulfilled, the committee may make or direct the inspections described in Section 72-11-211 as necessary.

(3) (a) When an operator installs a passenger ropeway subsequent to registration in any year, the operator shall file a supplemental application for registration of the passenger ropeway.

(b) Upon receipt of the supplemental application, the committee shall immediately initiate proceedings to register or reject registration of the passenger ropeway under the provisions of this chapter.

(4) Each registration expires on the date established under Section 72-11-210.

(5) The registration certificate for each passenger ropeway shall be maintained on file at the area and available to the public for inspection and copying.

Renumbered and Amended by Chapter 195, 1999 General Session

72-11-208. Passenger ropeways -- Registration fee.

The application for registration, or supplemental application, shall be accompanied by an annual fee adopted by the committee in accordance with Section 63J-1-504.

Amended by Chapter 183, 2009 General Session

72-11-209. Passenger ropeways -- Fees deposited in Transportation Fund.

Any fee collected by the committee shall be deposited in the Transportation Fund.

Renumbered and Amended by Chapter 195, 1999 General Session

72-11-210. Passenger ropeways -- Additional powers and duties of committee.

The committee may:

(1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing:

(a) public safety in the design, construction, and operation of passenger ropeways that:

- (i) adopt the American National Standard for Passenger Ropeways;
- (ii) modify the standard under Subsection (1)(a)(i); or
- (iii) establish an equivalent standard; and
- (b) the annual registration date;
- (2) hold hearings and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the committee;
- (3) subpoena witnesses;
- (4) administer oaths;
- (5) compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry;
- (6) approve, deny, revoke, and renew the registrations provided for in this chapter;
- (7) cause the prosecution and enjoinder of all persons violating the provisions of this chapter and incur the necessary expenses;
- (8) elect officers and adopt a seal which may be affixed to all registrations issued by the committee; and
- (9) employ, within the funds available, and prescribe the duties of a secretary and other personnel as the committee considers necessary.

Amended by Chapter 382, 2008 General Session

72-11-211. Passenger ropeways -- Inspection.

- (1) The committee may order inspections of the design, construction, operation, and maintenance of passenger ropeways as the committee may reasonably require.
- (2) If, as the result of an inspection, it is found that a violation of the committee's rules exists, or a condition in passenger ropeway construction, operation, or maintenance exists that endangers the safety of the public, an immediate report shall be made to the operator whose passenger ropeway has received the inspection and to the committee for appropriate investigation and order.
- (3) A private residence passenger ropeway is not subject to the inspection requirements under this section.

Amended by Chapter 212, 2010 General Session

72-11-212. Passenger ropeways -- Violations -- Order of committee.

- (1) If, after investigation, the committee finds that a violation of this chapter or any of its rules exists, or that there is a condition in passenger ropeway construction, operation, or maintenance that endangers the safety of the public, it shall immediately issue its written order setting forth its findings, the corrective action to be taken, and setting a reasonable time for compliance.
- (2) The order shall be served upon the operator involved in the violation personally or by registered mail at the committee's election. Return shall be made as provided in the Utah Rules of Civil Procedure.

Renumbered and Amended by Chapter 195, 1999 General Session

**72-11-213. Passenger ropeways -- Failure to comply with order --
Suspension -- Injunction.**

(1) If any operator fails to comply with a legal order or rule of the committee, the committee may:

(a) suspend the registration of the affected passenger ropeway until the operator complies; or

(b) bring injunctive proceedings in the district court of the judicial district in which the affected passenger ropeway is located to compel compliance.

(2) In these proceedings the committee is not required to post bond.

Renumbered and Amended by Chapter 195, 1999 General Session

**72-11-214. Passenger ropeways -- Not common carriers or public utilities
-- Cooperative agreement with United States Forest Service.**

(1) Passenger ropeways are not common carriers or public utilities.

(2) To avoid duplicate effort by authorities having jurisdiction over passenger ropeways on National Forest System land in the state, the committee may enter into a cooperative agreement with the United States Forest Service to establish reasonable standards for design, construction, maintenance, operational practices, and inspection.

(3) Upon application for registration of a passenger tramway, the operator shall pay to the committee a reasonable inspector's fee, plus a surcharge, that would have been charged had the inspection been made by the committee and its inspectors.

Renumbered and Amended by Chapter 195, 1999 General Session

72-11-215. Passenger ropeways -- Use in dangerous manner unlawful.

A person who rides or uses a passenger ropeway may not do so in a manner that may endanger the life and safety of another person or cause damage to passenger ropeway equipment.

Renumbered and Amended by Chapter 195, 1999 General Session

72-11-216. Passenger ropeways -- Violation of act a misdemeanor.

A person who violates Section 72-11-215 is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 195, 1999 General Session